NOT SIGNED BY MAYOR

RESOLUTION NO. <u>547</u> -2010

A RESOLUTION AMENDING THE FOLLOWING SECTIONS OF APPENDIX A, RULES AND PROCEDURES OF THE LEXINGTON-FAYETTE URBAN COUNTY COUNCIL: AMENDING SECTION 2.101 RELATING TO TERMS AND APPOINTMENTS OF CHAIRS OF COMMITTEES; AMENDING SECTION 2.102 PROVIDING THE NUMBER OF STANDING COMMITTEES ON WHICH EACH COUNCILMEMBER SHALL SERVE AND RENAMING AND RESTRUCTURING STANDING COMMITTEES; AMENDING SECTION 2.105 PROVIDING THAT THE COMMITTEE OF THE WHOLE SHALL CONDUCT WORK SESSIONS; AMENDING SECTION 2.202 PROVIDING THAT STANDING COMMITTEES SHALL HAVE NO LESS THAN SIX REGULARLY SCHEDULED MEETINGS PER YEAR; AMENDING SECTION 2.204 REMOVING THE MAYOR'S AUTHORITY TO REFER ANY ITEM DIRECTLY TO A COMMITTEE AND PROVIDING THAT THE COMMITTEE OF THE WHOLE SHALL NOT REFER ITEMS TO COMMITTEE; AMENDING SECTION 2.205 PROVIDING THAT PERMANENT OR STANDING COMMITTEES SHALL REPORT TO THE COMMITTEE OF THE WHOLE; REPLACING THE WORDS "WORK SESSION" WITH "COMMITTEE OF THE WHOLE WORK SESSION"; AMENDING SECTION 3.103 TO PROVIDE THAT COUNCILMEMBERS MAY INTRODUCE LEGISLATION AT ANY MEETING OF THE URBAN COUNTY COUNCIL; AMENDING SECTION 4.102 TO ADD COMMITTEE REPORTS TO THE ORDER OF BUSINESS; AMENDING SECTION 4.104 PROVIDING FOR THE ORDER OF BUSINESS AT THE COMMITTEE OF THE WHOLE WORK SESSION; AND PROVIDING THAT THE RESTRUCTURING SHALL BE REVIEWED PRIOR TO JUNE 30, 2011; EFFECTIVE JANUARY 1, 2011.

WHEREAS, the Council, by Resolution No. 55-79, as amended, adopted "Rules and Procedures of the Lexington-Fayette Urban County Council"; and

WHEREAS, it is the desire of the Council to amend the Rules to reorganize council work session and standing committees; and

WHEREAS, it is the intent of the Council to increase the number of standing committees and decrease the number of councilmembers who serve on each committee; and

WHEREAS, Section 5.104 of the rules provides that "[n]o permanent change shall be made to these Rules without notice specifying the purpose and wording of the change given prior to the consideration of the change and the adoption of the permanent change by a majority of all Councilmembers through an amending resolution"; and

WHEREAS, notice of the aforementioned changes was given to all Councilmembers at Council Work Session on June 22, 2010.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE COUNTY GOVERNMENT:

Section 1 – That Section 2.101 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 2.101. Appointment of committees.

Except in the case of ex officio members, the vice-mayor shall appoint the members of the standing committees of the council and such special committees as may be established by the vice-mayor or by majority vote of the council. All appointments to the standing committees shall be made for a term of two years, to coincide with the terms of district councilmembers, and all appointments to special committees shall be made for the term of the committee. Except as otherwise provided herein, each standing committee shall elect its own chairperson, who shall appoint a vice-chairperson. The vice-mayor shall designate the chairperson of any special committee. Ad hoc committees are a form of special committee and are subject to the same appointment and chair designation procedures as provided in this section for special committees.

Section 2 – That Section 2.102 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec 2.102. Standing Committees.

As soon as possible after the election of councilmembers, the vice-mayor shall make appointments to the standing committees, as required by these rules. Each councilmember shall serve on three standing committees. If necessary after committee chairs have been selected, the vice-mayor shall adjust appointments only as needed to comply with this rule.

The standing committees shall be as follows:

- (1) Planning and Zoning committee, to which shall be referred matters relating to the Division of Planning and including, but not limited to, matters relating to housing, infill and redevelopment, purchase of development rights and historic preservation, and any related partner agencies.
- (2) The Social Services committee, to which shall be referred matters relating to the Department of Social Services and its divisions, and any related partner agencies.
- (3) The General Government committee, to which shall be referred matters relating to the general administration of government; the Department of Law; the Department of General Services; each department's respective divisions; and, any related partner agencies.
- (4) Budget and Finance committee, to which shall be referred matters relating to the Department of Finance and Administration and its divisions, and any related partner agencies, the urban county courts and constitutional officers, fiscal operations of the government, revenues and expenditures of the government, and organization changes which affect the fiscal operations of the government (consideration limited to operational aspects only). Additionally, this committee shall review the final audit report and management letter of the accounting firm recommended by the mayor and selected by the council to conduct the annual financial audit of the urban county government and shall reports its findings concerning the same to the mayor and council for appropriate action.
- (5) Public Safety and Public Works and Development committee, to which shall be referred matters relating to the Department of Public Safety and its related divisions, the Department of Public Works and its related divisions, including capital improvement projects and any related partner agencies.

- (6) Environmental Quality committee, to which shall be referred matters relating to the Department of Environmental Quality and its divisions, and any related partner agencies.
- (7) Economic Development committee, to which shall be referred matters relating to the Office of Economic Development, related partner agencies, and other matters relating to economic development.

The Planning and Zoning, Social Services, General Government, Public Safety and Public Works and Development, Economic Development, and Environmental Quality committees shall each consist of seven (7) councilmembers; The Budget and Finance committee shall consist of nine (9) councilmembers including the three (3) at-large councilmembers and the chairperson of each standing committee, provided, however, that if an at-large councilmember serves as chairperson of one (1) of the aforementioned standing committees, the vice-mayor shall appoint a district councilmember in his or her place. During the actual review of the annual budget, the Budget and Finance committee shall become the Committee of the Whole.

Section 3 – That Section 2.105 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 2.105. Committee of the Whole

The council may resolve itself into a committee of the whole council for the purpose of conducting work sessions and handling other matters. The vice-mayor shall be chairperson of the committee of the whole, but may designate another member to preside or act as chairperson at such times and for such periods as he or she may desire. In the absence of the vice-mayor, the committee of the whole shall be chaired by the at-large member present who received the second highest number of votes in the previous general election when at-large elections were held. If no at-large member is present, the committee of the whole shall elect one of its members to serve as chair. When the budget and finance committee resolves itself into the committee of the whole and the vice-mayor is absent, the current chair of the budget and finance committee shall preside.

The committee of the whole shall be charged with handling personnel matters relating to the council office staff. A quorum for the committee of the whole shall be eight (8).

Section 4 – That Section 2.202 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 2.202. Meetings

The regular meetings of all standing committees shall be held on the dates, times and location specified in a schedule of meetings adopted annually by the council by ordinance. The schedule shall provide for no less than six regular meetings of each committee.

Any standing or special committee or subcommittee may call special meetings in compliance with rule 4.103 and KRS 61.823.

Section 5 – That Section 2.204 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 2.204. Reference of matters to committee.

The vice-mayor may refer any item directly to committee. Any councilmember may request the vice-mayor to refer items to committee. Otherwise, items shall be referred to committee at an official session of the urban county council by a majority vote. All items which are referred to committee by the vice-mayor should be included as information in the committee of the whole packet and notice given at the committee of the whole. No items shall be referred to committee by the committee of the whole.

Section 6 – That Section 2.205 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 2.205. Reports

Any permanent or standing committee of the urban county council to which a proposal has been referred shall report to the committee of the whole, either with or without a recommendation, unless the urban county council shall withdraw the proposal or reassign it at an official session. After any hearing by the committee upon a proposal, the chairperson of the committee shall submit a formal report of the committee's action, in writing, to the council and committee of the whole. The report shall include any recommendations supported by a majority of the committee and may, upon request of any member of the council, include a minority position. Copies of all committee reports shall remain on file in the council office. Any recommendation of a committee shall be voted on by the council at an official session of the urban county council.

The committee report of action may be part of the committee minutes or summary, copies of which shall be distributed to all councilmembers and filed in the council office.

Section 7 – That Section 3.103 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 3.103. Introduction of bills.

- (a) Introducers: All ordinances and resolutions shall be introduced by the mayor, or by other officers or employees via the administrative review procedure, which requires the knowledge and consent of the mayor. See rule 4.104 and appendix C. Councilmembers may introduce ordinances and resolutions at a meeting of the urban county council.
- (b) Time and manner of introduction: All informational materials which the introducer intends to provide to the council relating to any item on the committee of the whole agenda shall be received by the council administrator no later than 12:00 noon on the Thursday preceding the committee of whole work session at which the introducer seeks to have it presented. If this requirement is not met, the committee of the whole shall defer action on the item to a later committee of the whole work session or the vice mayor shall r refer it to committee at an official session of the urban county council unless, by majority vote of those present, the item is determined to be urgent

or to relate to an emergency, thereby requiring discussion and review at that time.

(c) Introduction into council. The council shall only consider in regular, public meeting those ordinances and resolutions placed on the docket in accordance with these rules. The only exceptions to this shall be in any case where the mayor pursuant to Charter section 4.07 determines to introduce, present or otherwise insert into the record of the council any ordinance or resolution and in any case where the council, by majority vote of those present, determines to "walk on" to the agenda of any regular, public meeting any ordinance or resolution. All ordinances and resolutions must be read on at least two (2) separate days, except as otherwise provided by law. See rule 4.501.

Section 8 – That Section 4.102 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 4.102. Regular meetings.

The urban county council shall meet in regular, public meetings at least twice a month. The regular public meetings of the Council of the Lexington-Fayette Urban County Government shall be held on the dates and times specified in a schedule of meetings adopted annually by the council by ordinance. The regular public meetings of the Council of the Lexington-Fayette Urban County Government shall be held in the council chambers of the Lexington-Fayette Urban County Government Center. (Code section 2-1)

- Call of council; quorum. The presiding officer shall take the chair at the hour designated for convening the urban county council for any regular public meeting or special meeting, shall then call the council to order and determine the presence of a quorum. A quorum of all regular public meetings, and special meetings, of the urban county council shall consist of not fewer than ten (10) of the fifteen (15) members of the council (Charter section 4.07). If the presiding officer determines that a quorum is not present, the presiding officer shall recess the urban county council for a maximum of thirty (30) minutes, or until the chair determines that a quorum is present, whichever occurs first. At the end of the thirty (30) minutes, if a quorum is not present, the urban county council shall not meet until its next regular public meeting, special meeting, or work session. If during any regular public meeting, or special meeting, it is determined that a quorum of ten (10) councilmembers is not present, the urban county council shall recess for up to a maximum of fifteen (15) minutes, after which time, if no quorum is present, the council shall adjourn until its next scheduled meeting. When the call is ordered, the council clerk shall call the roll of the councilmembers, rotating the call alphabetically at each meeting so that a different councilmember shall be called first each meeting.
- (b) Order of business. The following order of business shall apply for regular public meetings of the urban county council:
 - (1) Invocation.
 - (2) Roll call.
 - (3) Minutes of previous meeting.
 - (4) Presentations (groups or individuals may be recognized and special awards or commendations given; such recognition/award process shall be noted in the records of the council clerk).

- 5) Committee Reports.
- (6) Ordinances:
 - a. Second reading.
 - b. First reading.
- (7) Resolutions:
 - a. Second reading.
 - b. First reading.
- (8) Communications from the mayor.
- (9) Public hearing (public hearings may be scheduled for an appointed time during an urban county council regular public meeting, and the regular order of business may be delayed to allow for the public hearing).
- (10) Comments or announcements by councilmembers.
- (11) Public comment (the urban county council may by majority vote recess to a committee of the whole to hear general public comment).

Section 9 – That Section 4.104 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 4.104. Committee of the Whole Work Session

The committee of the whole shall meet at the dates and times specified in a schedule of meetings adopted annually by the council by ordinance, in the council chamber on the second floor of the Lexington-Fayette Government Center, for purposes of conducting a committee of the whole work session. A quorum for committee of the whole work sessions shall consist of not fewer than eight (8) of the fifteen (15) members of the council. The committee of the whole work session shall be chaired by the Vice Mayor in the same manner provided in Section 2.105 of these rules. The agenda for the committee of the whole work session shall be prepared by the office of the urban county council. Any council member may ask questions concerning items on the committee of the whole work session agenda. No action relating to the docket of an official session of the urban county council may be taken at the committee of the whole work session.

The following order of business shall apply for work sessions of the committee of the whole:

- I. Public comment agenda items only
- II. Approval of summary.
- III. Docket review. At the committee of the whole work session preceding an official council session/meeting, the committee of the whole shall also review the docket for the next council meeting.

Council members may ask questions concerning legislation on the docket for the upcoming official session of the urban county council. No action may be taken concerning legislation on the docket at a committee of the whole work session; however, the committee of the whole may recommend that one of the following actions be taken at an official session of the urban county council:

- a. Refer a matter to a council committee:
- b. Recommend that the administration provide additional information concerning the matter; or
- c. Recommend that an item be removed from the docket.
- IV. Agenda items referred from Councilmembers. Any items which a councilmember wishes to discuss at the committee of the whole shall be received by the council administrator no later than 12:00 noon on the Thursday preceding the committee of the whole at which the councilmember seeks to have it presented. If this requirement is not met, the committee of the whole shall defer action on the item to a later committee of the whole session or recommend to the vice mayor that a motion be made at an official session of the urban county council to place the item in committee, unless, by majority vote of those present, the item is determined to be urgent or to relate to an emergency, thereby requiring review and discussion at that time.

After discussion and review of the agenda items, the committee of the whole may recommend that the administration report back to the committee of the whole with additional information or the committee of the whole shall recommend that one of the following actions be taken at the next official session of the urban county council:

- a. Refer the item to committee;
- b. Recommend that the item be placed on the docket of an official session of the urban county council or
- c. Recommend that no action be taken.
- V. Committee reports.
- VI. Council report.
- VII. Public comment.
- (b) The committee of the whole agenda shall be composed of items referred from the following sources:
 - (i) Councilmembers; and
 - (ii) Council committees;
- (c) The committee of the whole agenda shall be prepared and delivered on the Friday preceding the scheduled committee of the whole.
- (d) In the case of a requested rezoning, the committee of the whole shall discuss whether to follow the planning commission's recommendation without a hearing; to review the planning commission record and either recommend to the council: (i) that its decision be based thereupon; or, (ii) hold its own hearing and base its decision both upon its and the planning commission record. After discussion, a recommendation shall be made to the vice-mayor which shall be presented to the urban county council at its next official session. In cases where more than one (1) zone change is to be considered and there is a recommendation to the vice-mayor that public hearings be scheduled, the zone change applicant who filed the earliest with the division of planning shall be given preference in selecting a public hearing date, unless the planning commission hears the cases in an

order different from that based on the time and date of filing the zone change request. In such cases the order in which the planning commission decides the zone change requests shall prevail over applicants who filed earliest.

(e) In cases where the council decides to hold its own public hearing and base its decision both upon it and the planning commission record, the council shall endeavor to schedule the hearing for a time at which at least thirteen (13) councilmembers have indicated that they can be in attendance; provided, however, that since Charter section 4.07 states that the required quorum for all official meetings of the urban county council is only ten (10) members, the council may consequently choose to proceed with any scheduled hearing on the hearing date notwithstanding that less than thirteen (13) members are in attendance so long as at least ten (10) members are present. At the scheduled time of the hearing, the council may alternately determine to postpone the hearing to a reasonable time thereafter for the purpose of securing the attendance of at least thirteen (13) members.

Section 10 - That the restructuring shall be reviewed no later than June 30, 2011 and that this section shall become effective January 1, 2011.

PASSED URBAN COUNTY COUNCIL: October 14, 2010

(No*Signature-Approved by Urban County Council)

MAYOR (Pursuant to Section 55.05 of the Charter)

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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